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10/31/12

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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*
UNITED STATES OF AMERICA *
* 11-cr-06-01-JL
v. * February 4, 2011
BRIAN MAHONEY *
*
* * * * *

TRANSCRIPT OF RECORDING OF
INITIAL APPEARANCE AND ARRAIGNMENT
BEFORE THE HONORABLE LANDYA B. MCCAFFERTY

Appearances:

For the Government: Arnold Huftalen, AUSA
U.S. Attorney's Office
53 Pleasant Street
Concord, NH 03301

For the Defendant: Jeffrey S. Levin, Esq.
Federal Defender Office
22 Bridge Street
Concord, NH 03301

For Probation: Janice Benard

Court Reporter: Diane M. Churas, CSR, CRR
Official Court Reporter
U.S. District Court
55 Pleasant Street
Concord, NH 03301
(603) 225-1442

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1 BEFORE THE COURT
2 THE COURT: How are you.
3 THE DEFENDANT: Doing well.
4 THE CLERK: Please be seated. The Court has

5 before it for consideration a first appearance and
6 arraignment in the matter of United States of America
7 versus Brian Mahoney, Criminal No. 11-cr-06-01-JL.

8 THE COURT: Do you need more time?

9 MR. LEVIN: No, we're all set.

10 THE COURT: Okay. Mr. Mahoney, this is your
11 arraignment on indictment. Before we get into the
12 nature of the charges, I just want to make sure you
13 understand two important constitutional rights. One is
14 your right to remain silent. You're not required to
15 make any statement in this matter. You need not say
16 anything to anyone. If you start to make a statement,
17 you have a right to stop at anytime, and this is because
18 anything you say may be used against you. Do you
19 understand that?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: You also have a right to counsel
22 at every step of the proceedings. You have a right to
23 hire your own counsel, or if you cannot afford counsel,
24 you may apply to the Court and I will appoint counsel
25 for you. Do you understand that right?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: Okay. I do have an application
3 and A request for the appointment of counsel signed by
4 you on today's date and you filled in the financial
5 declaration. Is everything in there true, Mr. Mahoney?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Based upon your application and

8 your affidavit, I have approved this request and I'm
9 appointing Mr. Levin as your attorney in this case under
10 the Criminal Justice Act.

11 THE DEFENDANT: Thank you very much, your
12 Honor.

13 THE COURT: Okay. Now, with respect to the
14 nature of the charges. You've been brought before me
15 because the grand jury has brought indictment against
16 you charging you with one count of failing to register
17 as a sex offender. Have you received a copy of the
18 indictment?

19 THE DEFENDANT: I have.

20 THE COURT: And Mr. Levin, have you reviewed
21 the charges with Mr. Mahoney?

22 MR. LEVIN: Yes, your Honor.

23 THE COURT: Do you believe that he understands
24 the nature of the charges?

25 MR. LEVIN: I do, your Honor.

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1 THE COURT: Does he waive a formal reading of
2 the charges at this time?

3 MR. LEVIN: He does, your Honor.

4 THE COURT: How does he now plead?

5 MR. LEVIN: He pleads not guilty, your Honor.

6 THE COURT: Okay. This case has been assigned
7 for trial before Judge Laplante for the two-week period
8 beginning April 3rd of this year. And the estimated
9 length of trial, Mr. Huftalen?

10 MR. HUFTALEN: One day.

11 THE COURT: One day. I assume not complex.

12 MR. HUFTALEN: Correct.

13 MR. LEVIN: Your Honor, April 3rd is a Sunday.

14 THE CLERK: April 5th.

15 THE COURT: Good catch, Mr. Levin. Thank you.

16 We aren't open on the weekend.

17 Now, with respect to the question of bail, I

18 have reviewed the very brief Pretrial Services report.

19 Is the government requesting detention?

20 MR. LEVIN: We've scheduled a detention

21 hearing for next Tuesday, your Honor.

22 MR. HUFTALEN: Yes, the government is seeking

23 detention. We would request a hearing within three days

24 from today's date, which does not include intervening

25 Saturdays or Sundays. So Monday, Tuesday, or Wednesday

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1 of next week would comport with the Federal Rules of

2 Criminal Procedure.

3 THE COURT: Okay. And Ms. Dupont has

4 scheduled that for February 8th at 10:30 a.m. And Mr.

5 Mahoney, you understand you have your detention hearing,

6 your bail hearing, on February 8th at 10:30 a.m.?

7 THE DEFENDANT: Yes.

8 THE COURT: Anything further to discuss today?

9 MR. LEVIN: Nothing further today, your Honor.

10 MR. HUFTALEN: No, thank you.

11 THE COURT: Then pending that hearing, Mr.

12 Mahoney, you're remanded to the custody of the United

13 States Marshal.

14 (Hearing adjourned.)

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C E R T I F I C A T E

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I, Diane M. Churas, do hereby certify that the

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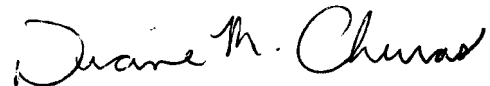
foregoing transcript is a true and accurate

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transcription of the within proceedings, to the best of

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my knowledge, skill, abil



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DIANE M. CHURAS, LCR, CM
LICENSED COURT REPORTER, NO. 16
STATE OF NEW HAMPSHIRE

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Submitted: 8/2/12

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